

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Tuesday, September 3, 2002
6:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A videotape of the 7:00 p.m. portion of this meeting
is on file in the Office of the City Clerk.

At 5:00 p.m. there being no quorum present, Deputy City Clerk Dale Jones recessed the Council to 6:00 p.m. Notification of this anticipated lack of quorum was posted on the door of Room B-8, near the entrance to the Council Chambers.

Call to Order

Mayor Cook called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 6:00 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Dettloff, Cook, Winchell, Bauer

Absent: Green, Houchen (Boardman arrived 7:55 p.m.) (Councilmember Green requested to be absent pursuant to City Council Resolution No. 2001-54.)

Motion to Recess to Closed Session – Approved

A motion was made by Dettloff, second Winchell to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Dettloff, Cook, Winchell, Bauer

NOES: None

ABSENT: Green, Houchen (Boardman arrived 7:55 p.m.)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Ronald Hagan, Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding labor **relations matters – meet and confer** with the following employee organizations: **PMA, POA, MSOA, FMA, FFA, HBMEA, HBMEO, and SCLEA.** Subject: **Labor Relations – Meet & Confer.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Joseph A. Jeffrey v. Huntington Beach City Council, Connie Brockway, Huntington Beach City Clerk;** Orange County Superior Court Case No. 02CC17811; California Court of Appeal, Fourth Appellate District, Division 3, Case No. G031073. Subject: **Joseph A. Jeffrey v. Huntington Beach City Council, et al.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**City Council - Redevelopment Agency Roll Call**

Present: Dettloff, Cook, Winchell, Bauer

Absent: Green, Houchen (Boardman arrived at 7:55 p.m.)

No Action Was Taken Which Required a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Flag Ceremony/Pledge of Allegiance – United Airline Flight Attendant, Patrice Pinada; American Airline Flight Attendant, Grace Clark; and Junior Girl Scout Troop 84 from Smith Elementary School, Huntington Beach.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication dated September 1, 2002 from Bob Polkow regarding the appointment of the new Chief of Police. Communication titled *Agenda Item C-2a*.

Communication dated September 3, 2002 from the Economic Development Department transmitting an Executive Summary of the Redevelopment Agency 2002/2003 Budget and a PowerPoint presentation titled *Fiscal Year 2002/2003 Redevelopment Agency Budget Summary*. Communication titled *Late Communication – Item D-2*.

PowerPoint presentation dated September 3, 2002 titled *Fiscal Year 2002/2003 Preliminary Budget Overview City Council Budget Public Hearing September 3, 2002*.

Communication dated September 3, 2002 from Clay Martin Director of Administrative Services and Dan Villella Finance Officer titled *Adoption of User Fee Recommendations*.

PowerPoint report from the City Attorney's office dated August 30, 2002 titled *Exemption of Fees for Victims of Crime*.

Presentation by Mayor Debbie Cook to Huntington Beach Fire Chief Michael Dolder and Huntington Beach Police Captain Chuck Thomas; Brian Clendenen and Father Bruce Patterson from the Interfaith Council; Jay Stern with the Jewish War Veterans; Greta Elliot with the American Legion Post 133; and Conrad Neumann with the Veterans of Foreign Wars #11548, a Proclamation proclaiming September 11, 2002 as Patriot Day. (160.40)

A motion was made by Dettloff, second Winchell to move forward the City Administrator's Report approving the City Administrator's recommendation to appoint Kenneth Small as Huntington Beach Chief of Police. The motion carried by the following roll call vote:

AYES: Dettloff, Cook, Winchell, Bauer

NOES: None

ABSENT: Green, Houchen (Boardman arrived at 7:55 p.m.)

(City Administrator's Report) Approved City Administrator's Recommendation to Appoint Kenneth Small as Huntington Beach Chief of Police Effective October 14, 2002 (600.10)

City Administrator Ray Silver stated the city conducted a nationwide recruitment for Chief of Police. He informed Council that 51 candidates had applied for this position and he is recommending that Council approve his appointment of Kenneth J. Small as Chief of Police for the City of Huntington Beach. The City Administrator informed Council that Mr. Small will be working with Police Chief Lowenberg for one week.

City Administrator Silver introduced Kenneth J. Small and his wife Susan.

Mr. Small was requested to speak and thanked everyone for their vote of confidence and for giving his family this opportunity to return to California. He stated he is looking forward to working with the city's great Police Department.

A motion was made by Dettloff, second Bauer to approve the recommendation of the City Administrator for the appointment of Kenneth J. Small as the Police Chief of the City of Huntington Beach; effective October 14, 2002;

and

Approve and authorize execution by the City Administrator and City Clerk of the *Employment Agreement between the City of Huntington Beach and Kenneth Small* for the position of Police Chief. The motion carried by the following roll call vote:

AYES: Dettloff, Cook, Winchell, Bauer

NOES: None

ABSENT: Green, Boardman, Houchen

Public Comments

Catherine Rasmusson objected to the absence of the Invocation from the Agenda. Ms. Rasmusson offered the invocation.

Julie Bixby informed Council of what she perceives to be the deficiencies of Shea Company Parkside development including traffic congestion, water quality concerns, emergency response times and inaccurate data presented.

Bill Orton stated his concern that the State Legislature adopt the State budget. Mr. Orton urged the city to retain the Park Ranger at Shipley Nature Center and not transfer Mr. Winkler to a city beach assignment, as this tremendous resource of Shipley Nature Center must remain open.

Myron Bruce Richardson stated he is a resident of Harbor Vista Condominiums and urged the Council to take action regarding a resident who he stated is continually harassing and video taping the children and residents of his community. Mr. Richardson stated that this individual is shining a bright light directly at his residence throughout the evening.

Diane Quinlan, Harbor Vista resident, requested assistance from the City Council and Police Department regarding a resident in the Harbor Vista Condominiums. Ms. Quinlan stated that this man is stalking and videotaping her daughter through their window. She stated that she did not believe children are being protected by the police against this unacceptable behavior.

Allen Rossi referred to an article in the Orange County Edition of the Los Angeles Times dated September 1, 2002 regarding the situation at Harbor Vista Condominiums. Mr. Rossi stated he is a resident of this community and requested that the Police Department assign one officer to try to mediate this problem before it escalates.

Jane Doe (not actual name) urged Council to do something about an individual who she stated is constantly trying to take pictures of her and other residents of Harbor Vista Condominiums. She complained of being unable to recuperate at home from an illness due to his actions.

Bill McCord lodged a complaint that he has not yet had a meeting with the Police Department regarding the resident who he stated is disruptive to the residents at Harbor Vista Condominiums as stated at the last council meeting would be done. He stated that this individual web cams students at various local schools and carries illegal amounts of gasoline in his vehicle. Mr. McCord informed Council that he and other residents in the Harbor Vista Condominium community are seeking or already have restraining orders against this individual however restraining orders are not enough.

Janice Assigal, resident of Harbor Vista Condominiums, voiced her objections to what the Los Angeles Times article presented as certain statements made by a Police Officer. She stated that something needs to be done about the harassing individual. Ms. Assigal informed Council that she is unaware of any mediation going on between the Police Department, residents and said individual.

Gayle McCord, resident of Harbor Vista Condominiums, informed Council that in her opinion the Huntington Beach Police Department is not doing anything about the safety of her children. She stated that this individual has been seen at the local parks and schools taking pictures and videotaping children.

(City Council) Council Responses to Public Comments Re: Incidents of Video Taping at Harbor Vista Condominium Complex (.)

Mayor Cook addressed the above captioned issue stating that the Police Department has responded to approximately 144 calls and approximately 56 police reports have been filed regarding the individual. She informed the residents that the police are doing everything in their power to assist the residents in this situation.

Police Captain Chuck Thomas reported that the Police Department is actively trying to come to a solution regarding this individual. He stated the Police Department files have been taken to the Orange County District Attorney's Office for assistance, but to date the Police Department has been advised that no law has been violated.

Further discussion ensued between Council, Police Captain Thomas and Deputy City Attorney Jennifer McGrath regarding the individual referred to by the residents.

Council directed the City Attorney's office to investigate various issues regarding possible violations of civil rights and harassment laws.

Public Comments Resumed

Joey Racano spoke regarding pending litigation on ocean water; the dumping of chlorine on sewage, which he believes is dangerous. Mr. Racano stated secondary treatment is not full treatment; it is the minimum standard.

Dave Sullivan spoke in opposition to the agenda item proposing the approval of funds for employee medical insurance purposes. He opposed the approval by the City Council of the raising of the cap level for payment by City employees toward health insurance. Mr. Sullivan stated he believes there is not a need to analyze the constitutionality of the proposed ordinance regarding slate mailers as the Orange County Board of Supervisors has approved a similar ordinance.

(City Council) Announcement Made by Mayor Pro Tem Connie Boardman of Appointment of Sally Alexander to the Fourth of July Board (110.20)

The City Council considered a communication from Mayor Pro Tem Connie Boardman announcing her appointment of Sally Alexander to the Fourth of July Board effective immediately.

A motion was made by Boardman, second Winchell to direct the City Clerk to record in the minutes the appointment by Mayor Pro Tem Connie Boardman of Sally Alexander to the Fourth of July Board. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Green, Houchen

(City Council) Announcement Made by Councilmember Grace Winchell of Appointment of Pat Steir to the Fourth of July Board (100.20)

The City Council considered a communication from Councilmember Grace Winchell who announced her appointment of Pat Steir to the Fourth of July Board effective immediately.

A motion was made by Boardman, second Winchell to direct the City Clerk to record in the minutes the appointment by Councilmember Grace Winchell of Pat Steir to the Fourth of July Board. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Green, Houchen

(City Administrator's Report) Approved City Administrator's Recommendation to Appoint Kenneth Small as Huntington Beach Chief of Police (600.10)

This item was moved forward to earlier in the meeting following the presentation.

(City Administrator/Redevelopment Agency Executive Director's Report) Announcement Made of Cessation Effective September 2002 of Rent Subsidies Made by the City to Abdelmuti Development Company (Oceanview Promenade in the Main Pier Redevelopment Project Subarea) (410.20)

The City Council considered a communication from Ray Silver, City Administrator/ Redevelopment Agency Executive Director announcing effective the month of September, the Redevelopment Agency of the City of Huntington Beach will not be making subsidy payments to Abdelmuti Development Company. The company has leased the remainder of its vacant space at its Oceanview Promenade building.

City Administrator Silver stated that in the past the Agency was making monthly subsidy payments ranging from \$7,000 to \$10,500 per month which amounted to annual payments of up to \$130,000 per year. Agency staff, with encouragement from the Council, has been proactive in persuading Mr. Abdelmuti to lease the space at higher rent levels.

(City Administrators Report) on Non-Agendized Item Regarding Schedule for Street Slurry Sealing (.)

City Administrator Ray Silver presented a PowerPoint on a non-agendized item titled *Residential Slurry Seal Update*. The slide report is available at the City Clerk's office.

(City Council) Administrative Public Hearing Held – Adopted Resolution No. 2002-84 as Amended – Approved Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cook announced that this was the time scheduled for an administrative public hearing to consider the adoption of Resolution No. 2002-84 entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*"

The City Council considered a communication from the City Treasurer and the City Attorney.

An Administrative public hearing is required by the California Government Code Section 38773.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Mayor Cook declared the administrative public hearing open.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor Cook declared the public hearing closed.

A motion was made by Cook, second Boardman to **amend** by removal of the Deborah Riley property from **Resolution No. 2002-84** - "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*" The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: Green, Houchen

(City Council) Opened Public Hearing and Continued Open to September 16, 2002 to Consider Adoption of the City Budget for Fiscal Year 2002-2003 (320.20)

Mayor Cook announced that this was the time scheduled for a public hearing to consider the following:

The proposed budget for FY 2002/03 total \$303,968,246 including General Fund Expenditures of \$134,171,651. The complete, updated Preliminary Budget for FY 2002/03 can be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest St. and Talbert Ave.), and all branch libraries. Copies of the ***Preliminary Budget Message and Summaries*** may be obtained by the public, free of charge, at the aforementioned locations.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

City Administrator Ray Silver presented a PowerPoint slide report titled *Fiscal Year 2002/2003 Preliminary Budget Overview City Council Budget Public Hearing September 3, 2002* which had been announced earlier as a Late Communication by the City Clerk.

The City Clerk restated for the record, the following Late Communications that pertain to this public hearing:

Communication dated September 3, 2002 from the Economic Development Department transmitting an Executive Summary of the Redevelopment Agency 2002/2003 Budget and a PowerPoint presentation titled *Fiscal Year 2002/2003 Redevelopment Agency Budget Summary*. Communication titled *Late Communication – Item D-2*.

PowerPoint presentation dated September 3, 2002 titled *Fiscal Year 2002/2003 Preliminary Budget Overview City Council Budget Public Hearing September 3, 2002*.

Mayor Cook declared the public hearing open.

Dave Sullivan spoke in opposition to placing city employee's salaries at the 75 percentile. Mr. Sullivan stated that he believes the city employees should pay toward their retirement benefits and medical insurance.

A motion was made by Boardman, second Dettloff to continue the public hearing open to September 16, 2002 for consideration of the adoption of the City Budget for Fiscal Year 2002-2003. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: Green, Houchen

(City Council) Public Hearing Held - Approved Revisions to the City Fees, Fines and Permits as Set Forth in the City Comprehensive Fee Schedule – Fiscal Year 2002-2003 and Directed Staff to Draft a Proposed Resolution of Police Department Vehicle Release Fee Appeal Procedures – Adopted Resolution No. 2002-85 (340.20)

Mayor Cook announced that this was the time scheduled for a public hearing to consider revisions to the City Comprehensive Fee Schedule as set forth in City Council Resolution No. 5159 adopted on October 4, 1982, and amendments thereto.

The proposed fees, fines, and permits costs to be considered are for cost recovery purposes and fall under the responsibility of the following City departments:

- Building and Safety Department
- Planning Department
- City Clerk
- City Treasurer
- Economic Development Department
- Fire Department
- Library Department
- Police Department
- Public Works Department

As a result of the proposed fee increases, the city estimates a total of \$2,127,900 of additional revenue will be received during FY 2002/03.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Mayor Pro Tem Boardman asked staff if victims of crime could be exempt from paying the City's vehicle release fees.

Deputy Attorney Jennifer McGrath and Police Captain Chuck Thomas reported.

A motion was made by Bauer, second Boardman to direct the City Attorney's Office to prepare a draft resolution setting forth Police Department Vehicle Release Fee appeal procedures. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Green, Houchen

Mayor Cook declared the public hearing open.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

The City Clerk restated for the record the following Late Communications, which pertain to this public hearing:

Communication dated September 3, 2002 from Clay Martin Director of Administrative Services and Dan Villella Finance Officer titled *Adopt of User Fee Recommendations*.

PowerPoint report from the City Attorney's office dated August 30, 2002 titled *Exemption of Fees for Victims of Crime*.

(City Council) Discussion Re: Site Plan Review – (City's Comprehensive Fee Schedule)
(.)

Mayor Pro Tem Boardman received confirmation from Planning Director Howard Zelefsky regarding the increase of the Site Plan Review proposed fee.

(City Council) Discussion Re: Dock Construction Plan Review/Inspection – (City's Comprehensive Fee Schedule) (.)

Mayor Pro Tem Boardman initiated discussion relative to the fee increase proposed by the Public Works Department on Dock Construction Plan Review/Inspection.

A motion was made by Bauer, second Winchell to keep the fully burdened cost for dock construction plan review/inspection as proposed. The motion carried by the following roll call vote:

AYES: Dettloff, Cook, Winchell, Bauer
NOES: Boardman
ABSENT: Green, Houchen

A motion was made by Bauer, second Dettloff to Adopt **Resolution No. 2002-85** – "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 Entitled, "A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule" (Supplemental Fee Resolution No. 89)." The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Green, Houchen

Consent Calendar – Items Approved

On motion by Dettloff, second Boardman Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Green, Houchen

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular meetings of August 5, 2002 and City Council Adjourned Regular meeting of August 6, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Accepted the Flood Management Plan Annual Review and Submitted to the Federal Emergency Management Agency (FEMA) (550.10) – Accepted the Annual Review of the Flood Management Plan as adequate and complete and forward it to the Federal Emergency Management Agency. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Appropriated Funds for the Emergency Repair of the OC-44 Water Transmission Pipeline Due to Pipeline Break (Under San Diego Creek at the 73 Freeway and Jamboree Road) (600.45) – Appropriated \$105,000 from the undesignated, unappropriated balance of the Water Fund to Account No. 50685801.67725 for payment of emergency repairs to the OC-44 Water Transmission Pipeline. Submitted by the Public Works Director. Funding Source: As stated above. Account is designated as Import Connection Maintenance. (According to a 1964 agreement with Mesa Consolidated Water District, the City is responsible for 41.4% of the costs for repair. The final billing has now been received.)

(City Council) Accepted the Resignation of Jon Ross and Approved the Appointment of Pat Guidotti to the Children's Needs Task Force for a Term to Expire August 2004 (110.20) – **1.** Accepted the resignation of Jon Ross; and **2.** Approved the appointment of Pat Guidotti to the Children's Needs Task Force for a term to expire in August 2004. Submitted by Councilmembers Shirley Dettloff and Grace Winchell, Liaisons to the Children's Needs Task Force. Funding Source: Not Applicable.

(Redevelopment Agency) Received and Filed Two Office Space Leases in the Oceanview Promenade Between Abdelmuti Development Company and (1) Public Enterprise Group (Suite 240) and (2) Frangelica, Inc. (Suite 230) (Main Pier Redevelopment Project Subarea) (600.30) – Received and Filed the attached leases titled *Office Space Lease* between Abdelmuti Development Company and Public Enterprise Group and Frangelica, Inc. Submitted by the Deputy Executive Director. Funding Source: Not Applicable.

(City Council) Authorized Appropriations and Approved Professional Services Contract Between the City and Tatsumi Partners, Inc. to Prepare a Landscape Architectural and Restoration Master Plan for the Donald D. Shipley Nature Center in Huntington Central Park (600.10) – **1.** Authorized the appropriation of \$21,000 into Park Acquisition and Development Fund, Professional Services Account #20945101.69365 to hire a consultant to prepare a master plan for the Donald D. Shipley Nature Center in Huntington Central Park with the following funding: \$5,000 from the Park Acquisition and Development Fund; with \$6,000 to be a loan from the General Fund Unencumbered Fund Balance Account #100.31100.1999 that will be reimbursed after the Council-approved sale of the palm trees; and \$10,000 from the U.S. Fish and Wildlife Grant Revenue Account #RAA633; **and**

2. Approved an agreement with Tatsumi and Partners, Inc. titled *Professional Services Contract between the City of Huntington Beach and Tatsumi and Partners, Inc. for Professional Design and Planning Services Related to Preparing a Master Plan and Report for Restoration of the Shipley Nature Center* for the preparation of a landscape architectural master plan for the Shipley Nature Center in Huntington Central Park, and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: As stated above.

(City Council) Accepted Bid and Awarded Construction Contract to JW Constructing Corp. for Phase 2 of Overmyer Reservoir Rehabilitation Project; CC-1104 and Authorized Change Orders (600.75) – **1.** Accepted the lowest responsive/responsible bid submitted by JW Contracting Corp. in the amount of \$5,070,441, authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract for the Overmyer Reservoir Renovation, Phase 2; CC-1104; and **2.** Authorized the Director of Public Works to execute change orders in a total amount not to exceed fifteen percent. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$5,762,000 are available in the Water Master Plan Fund, Overmyer Reservoir Accounts.

(City Council) Approved City Council Position on Legislation Pending Before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee – Assembly Bills 2938 and 2534 (640.90) - The City Council Intergovernmental Relations Committee has reviewed the legislation, propositions, and/or ruling below and is recommending that the City Council take a position on the following items, and authorize the Mayor to send letters to the legislators reflecting the approved position/s: **Motion to: Oppose: AB 2938 (Simitian)** Water Discharge Permit – Portor Cologne Act – Raising the maximum fee from \$10,000 to \$35,000. **Supports AB 2534 (Pavley)** Amending the Public Resources Act relating to coastal resources and making an appropriation therefor. Submitted by Councilmember Shirley Dettloff, Chair Person, Intergovernmental Relations Committee for Mayor Debbie Cook and Councilmember Ralph Bauer. Funding Source: None required.

(City Council) Approved Appropriation for Self-Insurance Medical Insurance Purposes (320.45) - Approved appropriation of \$1,120,000 from Self Insurance Medical Fund and General Fund unreserved fund balance for medical insurance purposes. Submitted by the Administrative Services Director. Funding Source: Self Insurance Medical Unreserved Fund Balance in the amount of \$745,000 and General Fund Unreserved Fund Balance in the amount of \$375,000. Total amount \$1,120,000.

(City Council) Continued to September 9, 2002 – Consideration of the Adoption of Ordinance No. 3570 Amending Municipal Code Chapter 14.55 Relating to Sewer Charge Modifications (640.10) – **Ordinance No. 3570** – *“An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Rates, Charges, Annual CPIU Adjustment and Billing Methodology for the Sewer Service User Charge.”* Submitted by the Public Works Director. (Accepted Sewer Service Charge Annual Performance Report and approved Ordinance No. 3570 for introduction on August 19, 2002.)

A motion was made by Winchell, second Bauer **to continue** Ordinance No. 3570 to September 9, 2002. The motion carried by the following roll call vote:

AYES:	Dettloff, Cook, Winchell, Bauer
NOES:	Boardman
ABSENT:	Green, Houchen

(City Council) Approved Introduction of Ordinance No. 3578 Amending the Huntington Beach Municipal Code by Adding Chapter 9.07 Prohibiting Aerial Advertising (Banner Towing Aircraft) (640.10)

Discussion was held relative to proposed Ordinance No. 3578 between Council and Deputy Attorney McGrath regarding 1) Enforcement difficulties; 2) Legal consequences if Ordinance is passed; 3) Potential cost to the City and Police Department; and 4) Public safety concerns.

Councilmember Bauer stated if Ordinance 3578 is approved he will track the amount of money spent on enforcement.

After the City Clerk read by title, a motion was made by Boardman, second Winchell to approve introduction of **Ordinance No. 3578** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Thereto Chapter 9.07, Prohibiting Aerial Advertising.”* The motion carried by the following roll call vote:

AYES: Deffloff, Boardman, Cook, Winchell
NOES: Bauer
ABSENT: Green, Houchen

(City Council) Removed from Agenda for Further Study to Defer Consideration of Ordinance No. 3579 Amending Huntington Beach Municipal Code Chapter 2.07 Pertaining to Reform of Slate Mailers (Campaign Contributions) (640.10)

Communication from the City Administrator recommending the deferral of **Ordinance No. 3579** amending Chapter 2.07 (Campaign Reform) of the Huntington Beach Municipal Code pertaining to limitations on campaign contributions.

Mayor Cook requested to remove the above captioned item from the Agenda for further study.

Adjournment – City Council/Redevelopment Agency

Mayor Cook adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, September 9, 2002, at 4:00 p.m., in the Council Chambers Civic Center, 2000 Main Street. Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman